

**CITY OF NEW BRUNSWICK
BOARD OF ADJUSTMENT
DECEMBER 21, 2015
MINUTES
7:30 p.m.**

I. ROLL CALL

| | |
|---|-------------------------|
| | Nancy Coppola, Chair |
| x | John Cox, Vice Chair |
| x | Margaret Chester |
| x | Sue McElligott |
| x | John Zimmerman |
| x | Maria Torrisi |
| | |
| x | Doug Sheehan (Alt #1) |
| | (Alt #2) |
| | (Alt #3) |
| x | Natalie Azcona (Alt #4) |

| | |
|---|--|
| x | Board Attorney Aravind Aithal |
| | |
| x | Board Secretary/Director of Planning Glenn Patterson |
| x | Principal Planner Mark Siegle |
| | Board Planner Henry Bignell |
| X | Board Planner Todd Bletcher |
| | Board Engineer Tom Guldin |
| x | Conflict Engineer Chas. Carly |

II. PUBLIC ANNOUNCEMENT (OPEN PUBLIC MEETING ACT)

III. SALUTE TO THE FLAG

IV. MINUTES OF THE BOARDS OCTOBER 26TH, 2015 MEETING

Motion to approve: Torrisi
Second: Chester
Approved by unanimous voice vote

**V. COMMUNICATIONS AND REPORTS-
Resolutions of Memorialization of Approval**

- A. ALTRAGRACIA RODRIGUEZ-Z-2014-15**, Variance application for the conversion of ground floor space into a beauty salon and grocery store located at 149-151 Joyce Kilmer Avenue, Block 241, Lots 1 and 2, Zoning District R-5A
Motion Chester
Second: McElligott

| | Yes | No |
|-------------------------|-----|----|
| Nancy Coppola, Chair | | |
| John Cox, Vice Chair | X | |
| Margaret Chester | X | |
| Sue McElligott | X | |
| John Zimmerman | X | |
| Maria Torrisi | X | |
| | | |
| Doug Sheehan (Alt #1) | X | |
| (Alt #2) | | |
| (Alt #3) | | |
| Natalie Azcona (Alt #4) | | |

VI. OLD BUSINESS

- a. None.

VII. NEW BUSINESS

- A. JOHNSON & JOHNSON, Z-2015-11**, Site plan and variance application for the construction of an addition located at 3 and 11 Landing Lane, Block 436, Lots 4 and 5, Zoning District: R-1A

Ms. McElligott announced she had a conflict with the applicant due to her employment with them. She recused herself from the application and stepped down from the Board table.

James Clarkin, Esq – The application is for the J&J guest house. The property is set substantially back on the lot and is not visible from Landing Lane or the D&R Towpath. The maintenance of the house is immaculate. The conference space use in the R-1A zone requires the granting of a use variance. J&J has owned the property since 1948 and has used it for the non-conforming use for 30-40 years. The property is not listed on the historic register. The house is used infrequently. The infrequent use supports the request to maintain the parking area as a stone surface rather than a paved one.

The purpose of the expansion is not to increase the capacity of the building but to upgrade the technology and make the rooms more comfortable.

Russ Clayton, Johnson and Johnson, Director of Facilities at WHQ

J&J is proposing a one-story addition to house a corporate meeting room. It will be in the rear or south side of the structure and will be built mostly on an existing impervious surface. Currently, meetings are held in a cramped room with poor acoustics and technology. J&J is not seeking to increase the capacity. The house will not be visible from the street or the canal. Executives and board members arrive by town car or limo. There will be no increase in the number of trips. J&J has owned the house since 1948 and used it for conferences for 30-40 years. Private pick up of the trash is proposed.

Mark Yihanshuck, Architect

A-1 Rendering and photos, colorized version of sheet A5 in the plan sheet.

The rendering shows the one-story addition with the existing house drawn in the background. The exterior materials will match the existing materials. The design is proposed to look like a conservatory.

A-2 Colorized version of sheet A001 showing photo of front of the house.

A-3 Colorized version of A301, site plan. The addition will be added to the rear of the existing house and will be in a similar federalist style to the existing house.

David Stires, Engineer and Planner

A-4 Aerial photo of the project vicinity. He oriented the site with the surrounding neighborhood.

A-5 Rendered site plan

There is an existing slate patio where the addition is proposed. There will be an ADA parking space and ramp added as part of the addition work. There is a 615 sf increase in impervious surface on the 12-acre site.

There is adequate lighting on the site and there is no spillage to adjacent properties. A full-time landscaper will maintain the property's landscaping. Two new trees will replace two existing trees that will be removed.

A variance is required for expansion of the non-conforming use. The site is particularly suited for the use as it is a 12-acre site, the addition will not be visible to the street or canal. No bulk variances are needed.

The special reasons A, I and G are promoted as the general welfare benefits from using the existing building, a good visual environment is promoted as it is complementary architecture and not visible from the street. It also helps maintain this unique building.

There will be no detriment to the city's zoning plan or to the public good. There is no detriment to granting the variance.

He reviewed the D&R Engineering memo and stated the applicant would agree with all of the comments and requests in the memo with the exception that they do not wish to do a conservation easement as the property is well maintained and they are subject to D&R Canal Commission jurisdiction.

Ms. Chester asked if residents from the nearby high-rise apartments will be impacted by views of the construction and lighting. Mr. Stires said it is possible but not likely to be visible. Ms. Chester asked about construction vehicles accessing the site during rush hours. He stated there would not be any conflicts.

Mr. Clarkin stated the applicant would agree to all of the comments in the Bignell planning memo.

Public:

None

Board Discussion:

Ms. Chester stated the new sidewalk would be a benefit to the area. Mr. Clarkin said the applicant was dealing with the County as it is their road and there are some engineering issues to be resolved related to the sidewalks.

Motion to Approve: Torrissi

Second: Chester

| | Yes | No |
|-------------------------|-----|----|
| Nancy Coppola, Chair | | |
| John Cox, Vice Chair | X | |
| Margaret Chester | X | |
| Sue McElligott | | |
| John Zimmerman | X | |
| Maria Torrissi | X | |
| | | |
| Doug Sheehan (Alt #1) | x | |
| (Alt #2) | | |
| (Alt #3) | | |
| Natalie Azcona (Alt #4) | X | |

Mr. Clarkin asked the Board consider memorializing a resolution this evening so that the applicant can keep with their construction schedule and complete the work prior to the Rutgers football season.

Motion to Approve Memorialization of Approval

Motion to Approve: Chester

Second: Torrisi

| | Yes | No |
|-------------------------|-----|----|
| Nancy Coppola, Chair | | |
| John Cox, Vice Chair | X | |
| Margaret Chester | X | |
| Sue McElligott | | |
| John Zimmerman | X | |
| Maria Torrisi | X | |
| | | |
| Doug Sheehan (Alt #1) | X | |
| (Alt #2) | | |
| (Alt #3) | | |
| Natalie Azcona (Alt #4) | X | |

- B. CONSTRUCTION MANAGEMENT ASSOCIATES, INC Z-2015-09**, Site plan and variance application for the construction of a multi-family residential building located at 15 Maple Street, Block 410 , Lot 14.01 , Zoning District: R-5A

The applicant requested to postpone the hearing on their application due to conflicting obligations with some of the professional team. It was announced to the public that the hearing was being rescheduled to the January 25, 2016 Zoning Board meeting at 7:30 PM, to be held at City Hall Council Chambers, 78 Bayard Street, New Brunswick. No additional notice will be made.

C. ELIE KHATER, Z-2015-14, Site plan and variance application for the construction of a mixed-use building located at 18 Condict Street, Block 50, Lot 22.01 Zoning District: C-3B

Peter Lanfrit, Esq. –

The application is for a use variance and site plan for a mixed-use building. There is an existing building on the site that would be demolished. A new building would replace it. Bulk variances and an FAR variance are required. There is also a small subdivision required to square off the shape of the lot.

The 18 Condict Street property has been transferred to Julian Khater, son of Elie Khater, since the original application was submitted. Mr. Lanfrit asked that Julian Khater be added as a co-applicant and submitted a letter from Julian Khater consenting to the application by Elie Khater.

A-1 – Julian Khater letter

Elie Khater

The property was bought in 1991. There is an existing structure with a storage garage on the ground floor and a 2Br apartment on the 2nd floor that is rented to students. He would demolish the existing building and replace it with a ground floor retail and 1 apartment on each of two floors above.

Mr. Cox asked what type of retail would be sought for the ground floor. Mr. Khater stated it would be a permitted use for the zone.

Jeff Kuzmic, Architect.

He had 5 exhibit sheets which are sheets from the plan packet
Z-01 shows the site plan and front elevation of the existing building.

A-2 and A-3, photos of the existing building and current condition.

Z-02 depicts the interior floor plans.

A-4 sheet Z-03 showing the proposed front elevation colorized and side elevation. The building is rectangular shaped with 3-floors. The retail space will be on the left of the ground floor.

Z-03 depicted where the utility connections would be. PTAC through-the-wall units will be used for heating and cooling. The ground floor retail A/C unit is intended to be placed in the rear yard rather than placed it on the roof. This is done for ease of maintenance. It will be a 3'x4' unit likely.

The basement will be used for retail storage and a laundry area for the residential tenants. None of the basement will be habitable space.

The first floor will have an entry staircase for the apartments and a 740 sf retail space. The rear yard will accommodate a trash storage area for the retail and apartments. The retail user will wheel their trash out to the curb. The apartment tenants would wheel the trash out to the curb along the side of the building. Public pick up of the trash is anticipated.

A shaft for a restaurant tenant exhaust will be constructed in case a food tenant is obtained.

The 2nd floor plan shows a 2 BR apartment The 3rd floor would be similar. Each apartment will have a 3-person occupancy per the City's property maintenance code.

Beth Kenderdin, Engineer

A=5 Colorized site plan from the plan set

She discussed a 79 sf area that will be subdivided off from the 64 Easton property and added to the 18 Condict property. The Easton property is owned by Elie Khater. The subdivision is being done to square off the rear of the 18 Condict property, provide better access to the rear of the lot, and room for the A/C units. The subdivision does not impact access on the 64 Easton property. The subdivision will exacerbate the existing non-conformity for 64 Easton for lot area, lot depth, building coverage, parking and FAR.

The Condict Street property has a lot size variance, lot width, lot depth, front setback, side setbacks, coverages and FAR.

Mr. Lanfrit reviewed the D&R Engineering and Bignell report with the architect and engineer.

The lot is nearly 100% impervious with no opportunity for landscaping.

They have existing residential parking permits for the existing apartment with 2-3 "regular" permits and 2 visitor permits. As a mitigation for the parking variance, the volunteered they will not request additional permits for the second apartment unit. The owner will add a notice in a lease that there is no on-site parking.

A-6 NBPA letter regarding the availability of parking passes at NBPA decks.

Mr. Cox asked how it would be determined who gets the parking permits for the 2 existing permits if they are giving up permits for the additional apartment. The applicant stated the parking permits will be assigned to apartment #1 per the voluntary agreement of the applicant.

Signage for the retail will be on the proposed retail awning and will comply with City standards. A separate sign application will be submitted at a later date.

Storm water will be handled through storm drains that connect the roof to the street curb.

The applicant will comply with the Bignell report comments. They will contribute to the City's tree fund instead of planting a street tree in front of the site due to limited area for said tree.

Kevin O'Brien, Planner

The applicant is seeking two FAR variances, one for each lot, plus various bulk variances on both properties. The subdivision is being made to square off the Condict St. lot.

The existing external stairway is being placed inside the new building, which increases the FAR. The new building will meet modern standards for safety.

The current building's garage creates a dead space on the street and the new building will activate the street. The basement will not be used for activity. The 0' setback is common in the neighborhood. No physical changes are proposed to the Easton Ave building.

The master plan calls for projects such as this. The project adds housing, housing options and mixed-uses. The retail is placed adjacent to other retail in the neighborhood and is not isolated.

It meets MLUL goals A, G, and I. There are no negative impacts on adjoining properties. As an FAR D variance, it is a permitted use. The issue is whether the site can accommodate the proposed structure. As shown from the architecture and engineering testimony, the building will be in character and of similar type to what exists in the neighborhood. The FAR proposed is appropriate for the site.

The bulk requirements can be granted under both C1 and C2 criteria of the MLUL. The existing lot is undersized without ability to make it larger. The new building results in a desirable planning outcome for the neighborhood.

Public:

Tony Chedid

He supports the application. He owns several properties on Condict and Easton. He feels the project will be an asset. It will not be a detriment.

Maroun Chedid

He supports the project. He owns properties around the corner on Easton and on Hardenberg.

Lanfrit: In summation, the project went through 3-4 iterations with the City staff. Comments from the staff made it a better project. The new building will be modern and create positive activity on the street.

Board Discussion:

Mr. Cox asked about restaurant hours due to late night problems in the area. What is the applicant planning for hours for potential retail uses given they are seeking an FAR variance for intensity of use?

Mr. Lanfrit said the retail would not accommodate sit-down food and only be take out. Mr. Khater volunteered a 2 AM closing.

Motion to Approve: Zimmerman

Second: McElligott

| | Yes | No |
|-------------------------|-----|----|
| Nancy Coppola, Chair | | |
| John Cox, Vice Chair | X | |
| Margaret Chester | X | |
| Sue McElligott | X | |
| John Zimmerman | X | |
| Maria Torrisi | X | |
| | | |
| Doug Sheehan (Alt #1) | X | |
| (Alt #2) | | |
| (Alt #3) | | |
| Natalie Azcona (Alt #4) | x | |

VIII. OTHER MATTERS OF INTEREST TO THE PUBLIC

None

IX. ADJOURNMENT

Motion to adjourn: Chester

Second: Torrisi

Approved by unanimous voice vote